

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Terry D. Perkinson

Application No.: 10/804,832

Examiner: McNally, Michael S

Filing Date: March 17, 2004

Art Unit: 2436

Assignee: Riavo Systems, Inc

Title: METHOD AND APPARATUS FOR A HYBRID NETWORK SERVICE

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Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL**

Sir:

Submitted herewith is a notice of appeal. This is the second notice of appeal filed on this application. The first notice of appeal was filed by Applicant on October 28, 2008. The Board of Patent Appeals and Interferences ("Board") did not render a decision on the case from the first notice of appeal.

Applicant believes that he is entitled to the notice of appeal fee paid on October 28, 2008 because the Board did not render a decision from the first notice of appeal. Therefore, Applicant believes that a notice of appeal fee is not required for this second appeal brief.

If for any reasons additional fees are required, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 50-2427.

Respectfully submitted,  
Terry D. Perkinson

Dated: May 12, 2009

/James K. Okamoto/  
JAMES K. OKAMOTO, Reg. No. 40,110  
Okamoto & Benedicto LLP  
P.O. Box 641330  
San Jose, CA 95164  
Tel.: (408)436-2110 Fax: (408) 436.2114

<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional)  10041.000100				
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____  Signature _____  Typed or printed name _____		In re Application of <b>Terry D. Perkins</b>  <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number 10/804,832</td> <td style="width: 50%;">Filed 03/17/2004</td> </tr> </table> For Method and Apparatus for a Hybrid Network Service  <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Art Unit 2436</td> <td style="width: 50%;">Examiner McNally, Michael S</td> </tr> </table>	Application Number 10/804,832	Filed 03/17/2004	Art Unit 2436	Examiner McNally, Michael S
Application Number 10/804,832	Filed 03/17/2004					
Art Unit 2436	Examiner McNally, Michael S					
Applicant hereby <b>appeals</b> to the Board of Patent Appeals and Interferences from the last decision of the examiner.  The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ _____  <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____  <input type="checkbox"/> A check in the amount of the fee is enclosed. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.  <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>50-2427</u> .  <input type="checkbox"/> A petition for an extension of time under 37 CFR 1.135(a) (PTO/SB/22) is enclosed.  <b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>  I am the <input type="checkbox"/> applicant/inventor. _____ /James K. Okamoto/ <div style="text-align: right;">Signature</div> <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98) _____ JAMES K. OKAMOTO <div style="text-align: right;">Typed or printed name</div> <input checked="" type="checkbox"/> attorney or agent of record. _____ 40,110 _____ 408.436.2110 <div style="display: flex; justify-content: space-between;"><div>Registration number</div><div>Telephone number</div></div> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. _____ May 12, 2009 _____ <div style="display: flex; justify-content: space-between;"><div>Registration number if acting under 37 CFR 1.34.</div><div>Date</div></div> NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.						
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.						

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.